



3736 EPW

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/075,221

Filing Date

11/13/2002

First Named Inventor

Edward Ludwig Blendermann

Art Unit

3736

Examiner Name

John P. Lacyk

Attorney Docket Number

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
 - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
 - ☐ Petition to Convert to a Provisional Application
 - ☐ Power of Attorney, Revocation
 - ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Request to Withdraw holding of Abandonment

Remarks

Letter requesting the withdrawal of Abandonment. (2 pages)
1 page-forms

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Signature

Edward L. Blendermann

Printed name

Edward L. Blendermann

Date

05-16-05

Reg. No.

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Edward L. Blendermann

Typed or printed name

Edward L. Blendermann

Date

05-16-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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United States Department of Commerce

May 11, 2005

Commissioner for Patents

P.O. Box 1450

Alexandria Virginia 22313-1450

Re: Application No. 10/075221

Filing date: 11/13/2002

Inventor: Edward Ludwig Blendermann

Examiner: John P. Lacyk

Art Unit: 3736

Attn: John P. Lacyk

I request the withdrawal of the holding of abandonment mailed on 05-04-05.

According to the examiner" the response file 31 March 2005 is not a timely response since the certificate of mailing has a date of 29 March 2005, a 3 month extension of time would have been needed to be considered a timely response to the final rejection mailed 19 October 2004."

The applicant traverses citing the instructions given to him in the advisory mailed 02 February 2005 were followed to the letter. Under Period For Reply (b) is checked.
(b)"The period for reply expires on (1) the mailing of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later"

The applicant therefore calculated the extension time from the later date 02 February 2005 (the mailing date of the Advisory Action) not the earlier date (3 months from the Final Office Action) 19 January 2005.

"Extensions of time may be obtained under 37 CFR 1.36(a)....The appropriate extension fee under 37CFR1.17(a) is calculated from(1)the expiration date of the shortened statutory period for reply originally set in the final office action; or as set forth in (b) above."

Following these instruction the applicant calculated that two months from the mailing of the advisory action 02 February 2005 would be 02 April 2005. Therefore, the response received 31 March 2005 is a timely response.

The appropriate extension fee of \$240.00 was enclosed with this response and deposited by the patent office.

According to the examiner,"additional fees would have been needed for 2 extra independent claims." The applicant traverses and ask the examiner to consider the response dated 23 February 2005 which explains that there were no new claims added, the claims were presented only as a matter of record..

Please consider how the applicant was carefully following the instructions in the advisory action to complete a proper timely response, please withdraw the abandonment of this application, and allow the examination of the application to proceed.

Thank You,

A handwritten signature in cursive script, reading "Edward L. Blendermann".

Edward L. Blendermann